

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

Norberto Medina Rodriguez

Plaintiff(s),

v.

Fernandez Bakery, Inc. et al

Defendant(s).

Civil No.: 16-2578 (FAB) (BJM)

**INFORMATIVE MOTION AS TO DEVELOPMENTS IN CASE LAW**

Plaintiff, through the undersigned counsel, hereby informs recent developments in relevant case law directly related matters pending before the Court:

On August 9, 2017, the Court in Civil Rights Education and Enforcement Center v. Hospitality Properties Trust, No. 16-16269 (9th Cir. 2017) held that even a plaintiff who lacks firsthand knowledge that an establishment is not in ADA compliance may rely on the “deterrent effect doctrine” to establish constitutional standing under the ADA. The Court noted that it is the plaintiff’s “actual knowledge” of a barrier, rather than the source of that knowledge, that is determinative. *Id* at 10. Also, agreeing with the Tenth and Eleventh Circuits, the panel held that a plaintiff may also assert constitutional standing where her only motivation for visiting a facility is to test it for ADA compliance.<sup>1</sup>

**WHEREFORE**, the Plaintiff hereby request the Court to take notice of the above.

**RESPECTFULLY SUBMITTED**

**S/JOSE CARLOS VELEZ-COLÓN, ESQ.**

**USDC-PR NO.: 231014**

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<sup>1</sup> <http://cdn.ca9.uscourts.gov/datastore/opinions/2017/08/09/16-16269.pdf>

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn will send notification of such filing to all attorneys of record.

In San Juan, Puerto Rico, this 17<sup>th</sup> day of August 2017.

Respectfully submitted,

**/S/JOSE CARLOS VELEZ-COLÓN, ESQ.**

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